

R381-70-10. RATIOS AND GROUP SIZE.

The rules in this section regulate the caregiver-to-child ratio which is the maximum number of children each caregiver may be responsible for. The rules also limit group size meaning the number of children being cared for in one group at the same time. These rules are based on what children need for quality nurturing care.

Rules regarding the caregiver-to-child ratio and group size apply any time there are children in the out-of-school-time including when children are being transported and during offsite activities. The rules also apply during special activities when services are provided at the facility, such as Parents' Night Out or a Saturday workshop.

Does the Child Count in the Caregiver-to-Child Ratio?

Unrelated Child	Provider's Own Child	Staff Member's Own Child	Other Related Child
Yes	No*	No*	Yes

Does the Child Count in Maximum Group Size

Unrelated Child	Provider's Own Child	Staff Member's Own Child	Other Related Child
Yes	Yes	Yes	Yes

*The provider's and staff member's children do not count in the caregiver-to-child ratio as long as the provider or caregiver is working at the facility or performing work-related duties.

Refer to the following guidelines:

- The rules are assessed according to the number of children present in each group and by the number of enrolled children.
- Multiple groups can be in gyms and outdoor areas at the same time as long as there is adequate square footage per child and caregiver-to-child ratios are maintained. This excludes infant and toddler groups unless they are in a separate area defined by furniture, other partitions, or fences.
- For an individual to count in the caregiver-to-child ratio, they must:
 - Meet personnel requirements as specified in rule,
 - Be in the room or area where the children are being cared for, and
 - Be performing caregiving duties.
- A group with more than one caregiver may be out of ratio for a very brief period of time when:

- One caregiver must leave the room (but not the premises) in order to meet the immediate needs of the children in their group.
- A staff person needs to use the bathroom and there is no other employee present in the center (cook, director, receptionist, etc.) to assist in giving the caregiver a break.
- Meeting the immediate needs of the children includes tasks such as helping a child who is injured or sick, getting food for the children, giving medication to a child, helping a child in the bathroom, or helping a child change soiled clothing.
- Tasks that are not considered meeting the immediate needs of children include doing laundry or other housekeeping duties, making personal phone calls, or taking a work break.
- The option to leave the children with one caregiver does not apply to leaving children with a 16- or 17-year-old since individuals younger than 18 may never have unsupervised contact with any child in care, even for brief periods of time.
- When a staff member does not count in the caregiver-to-child ratio and is caring for their own child, the staff member's child does not count in the ratio, capacity, or group size. That parent is the only person responsible for the care of their child.

45 Minute Allowance

For unforeseen circumstances, the caregiver-to-child ratio may be out of compliance for up to 45 minutes. Examples of unforeseen circumstances include:

- A staff member does not arrive at their scheduled time.
- Children arrive earlier or depart later than their normal time without advance notification from their parent.
- A staff member needs to leave due to an emergency.
- A staff member leaves their employment without advance notice or is dismissed for immediate cause.

To remain in compliance with ratios during unforeseen circumstances, refer to the following guidelines:

- The provider must address the situation as soon as it is known that ratios will be out of compliance due to an unforeseen circumstance. The intent of the 45 minutes is to allow enough time for an approved individual to arrive and place the facility back into ratio.
- Children must not be left unsupervised.
- Sign-in and sign-out records must be up-to-date and available for review by CCL.
- If licensing staff arrive when ratios are out of compliance, but the ratio is brought into compliance within the 45 minute allowance, it will not be considered a rule violation. Instead:
 - Two Focus Inspections will be conducted to confirm that it was an unforeseen circumstance.
 - If ratios are out of compliance at the first Focus Inspection, a corrective action will be issued and the second Focus Inspection will not be conducted. Instead, a Followup Inspection will be conducted to verify correction is maintained. (When following up on a ratio violation, all classrooms and areas will be assessed, not just the classroom or areas that were found out of compliance.)

- If ratios are in compliance at the first and second Focus Inspections, no corrective actions will be issued, but the situation will be documented in the CCL App.
- It is a rule violation if the ratio is not brought into compliance within the 45 minutes.

Emergency Ratio Variance

When unforeseen circumstances occur and the provider cannot meet the required staff-to-child ratio, CCL may grant an emergency variance to the ratio rule for up to ten working days.

Examples of long-term, unforeseen circumstances include:

- A staff member leaves their employment without advance notice or is dismissed for immediate cause.

To obtain this variance, the provider must:

- Contact their licensor within 24 hours (or contact other CCL staff if the licensor is unavailable), and
- Inform their licensor of the number of staff who left employment or took an unexpected leave of absence, the staff's names and/or their Covered Individual Numbers.

Refer to the following guidelines:

- This variance is not granted for planned or scheduled leave of absence.
- The number of children per staff member may not be more than 1½ times the number stated in rule.
- The provider must maintain compliance with supervision rules. A variance for supervision will not be granted.
- A Focus Inspection will be conducted to verify compliance with ratios after the variance expires.

(1) The provider shall maintain the staff-to-child ratio of at least one staff member for every 20 children.

Rationale/Explanation

Low child:staff ratios are most critical for infants and toddlers (birth to thirty-six months). Infant and child development and caregiving quality improves when group size and child:staff ratios are smaller. Improved verbal interactions are correlated with lower child:staff ratios. Small ratios are very important for young children's development. The recommended group size and child:staff ratio allow three- to five-year-old children to have continuing adult support and guidance while encouraging independent, self-initiated play and other activities CFOC 4th ed. Standards 1.1.1.1 p.p. 4-5.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when a group:

- Is over ratio by 6 or more children.
- Is over ratio during transportation or an offsite activity.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning when a group:

- Is over ratio by 4 to 5 children.

Risk Level

Low

Corrective Action for 1st Instance

Warning when a group:

- Is over ratio by 1 to 3 children.

(2) The provider shall not exceed the maximum group size of 40 children per group.

Risk Level

High

Violation Corrective Action for 1st Instance

Citation and CMP Warning when the group:

- Is over group size by 6 or more children.
- Is over group size during transportation or offsite activities.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning when the group:

- Is over group size by 4 to 5 children.

Risk Level

Low

Violation Corrective Action for 1st Instance

Warning when the group:

- Is over group size by 1 to 3 children.

(3) The provider shall ensure that there are at least two staff members present when there are more than eight children on the premises.

Compliance Guidelines

- If the staff-to-child ratio is in compliance with one staff member, the second staff member may be any place in the facility and does not need to be with the group of children.
- This rule applies to the provider's and staff members' own children as well as other children on the premises.

Risk Level

High

Corrective Action for 1st Violation

Citation and CMP Warning

- (4) The provider shall include the provider's and employees' children age four years old or older in care:
- (a) in the group size when the parent of the child is working at the facility; and
 - (b) in the group size and the caregiver-to-child ratio when the parent of the child is not working at the facility.

Rationale/Explanation

This rule applies when determining compliance to capacity, ratios, and maximum group sizes.

Compliance Guidelines

A child's parent is considered to be working at the facility if they are "on the clock" and on the premises or have left to perform a work-related duty (for example, a bus run or buying program supplies).

- (5) The provider may include caregivers, student interns who are registered in a high school or college child care course, and volunteers who are 16 or 17 years old in the caregiver-to-child ratio.

Rationale/Explanation

Assistant teachers and teacher aides should be at least eighteen years of age, CFOC 4th ed. Standard 1.3.2.3 p.p. 13.

Compliance Guidelines

- A 16- or 17-year-old caregiver may never have unsupervised contact with a child in care at any time.
- A staff member or other employee who is at least 18 years old and has passed a CCL background check must always be present in the room or area when a 16- or 17-year-old is caring for children.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

(6) The provider shall ensure that guests do not count in caregiver-to-child ratios.

Rationale/Explanation

The facility should have sufficient direct care professional staff to provide the required programs and services. CFOC 4th ed. Standard 1.1.1.3 p.p. 6.

Risk Level & Corrective Action for 1st Instance

Refer to 70-7(9) and/or 70-8(1) for noncompliance with this rule.